



SF 481 – Immigration Laws Enforcement (LSB1765SV.1)

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Fiscal Note Version – As amended and passed by the Senate

Requestor – Representative Breckenridge

Description

[Senate File 481](#), as amended and passed by the Senate, establishes a new Iowa Code chapter 825 relating to enforcement of immigration laws. The Bill defines immigration law as a law of Iowa or the federal government relating to aliens, immigrants, or immigration, including the federal Immigration and Nationality Act.

The Bill:

- Requires an Iowa law enforcement agency having custody of a person subject to an immigration detainer request to fully comply with any instruction and legal document provided by a federal agency.
- Requires actions by the court in relation to a defendant who is the subject of an immigration detainer request at the time of sentencing.
- Prohibits a local entity from taking any action discouraging the enforcement of immigration laws, including adopting or enforcing a policy.
- Requires each State or local law enforcement agency to have policies in writing related to enforcement of federal immigration laws by January 1, 2018.
- Prohibits discrimination while enforcing immigration laws except to the extent permitted by the Constitution of the United States or the Constitution of the State of Iowa.

The Bill also specifies a process for any person to file a complaint with the Iowa Attorney General (AG) or a county attorney alleging that a local entity is in violation of new Iowa Code chapter 825. After an investigation, if the complaint has been determined to be valid, the local entity (along with any entity under that jurisdiction) would be denied State funds for the subsequent fiscal year and indefinitely until eligibility to receive State funds has been reinstated. However, this denial would not apply to any State funds meant for the purchase of wearable body protective gear used for law enforcement.

Background

An immigration detainer is a document that U.S. Immigration and Customs Enforcement (ICE) may use to request that a local law enforcement agency hold an undocumented immigrant for up to 48 hours so that ICE may take custody. This hold would be after that immigrant would otherwise have been released from local custody. In 2014 and 2016, federal judges ruled that local law enforcement agencies are under no legal obligation to honor ICE detainers unless the detainees are also accompanied by a probable cause warrant. This Bill defines an immigration detainer request as a federal government request to a local entity to maintain temporary custody of an alien, and specifies that an immigration detainer request includes both verbal and written requests.

According to the [Pew Research Center](#), there were an estimated 40,000 undocumented immigrants of all ages living in Iowa in 2014.

The Department of Management is charged with adopting rules to implement this Bill uniformly across State agencies to which State funds are distributed. The local entity would need to petition the district court for a declaratory judgment that it is back in full compliance with the new Iowa Code chapter 825 in order to restore eligibility to receive State funds. The AG is charged with developing and maintaining a searchable database listing each local entity that has had State funding denied to it.

Assumptions

- The marginal cost for county jails of each additional prisoner is estimated to be \$50.00/day.
- The cost to the AG to maintain the searchable database and handle complaints would be \$12,000 to \$24,000 annually.
- The denial of State funding based upon a valid finding of a violation of new Iowa Code chapter 825 would potentially impact a wide range of State funding, which includes: Road Use Tax Fund allocations, grants, and reimbursements; State property tax replacements, tuition replacement, flood mitigation projects, community college funding, grants made by the Iowa Economic Development Authority, and many other areas.

Fiscal Impact

At this time it is not possible to estimate the total fiscal impact of [SF 481](#) as amended and passed by the Senate.

It is possible that under Section 4 of the Bill, local education agencies (school districts) and Area Education Agencies (AEAs) could fall under the definition of “local entity.” If it is determined that LEAs and AEAs meet the qualifications of a “local entity” with a governing board, and if a LEA or AEA does not comply with the requirements under Section 4 of the Bill, the LEA or AEA may be denied State supplemental aid and categorical State aid. Within the structure of the school aid formula under Iowa Code chapter [257](#), it is possible school districts would be able to levy property taxes to supplant a portion of the withheld State supplemental aid, but not categorical State aid, using property taxes. Districts could replace a portion of the withheld State aid through the Management Levy, which is unlimited but can only be used for limited purposes, and the Cash Reserve Levy, which is limited to 20.0% of the district’s general fund but can be used for any general fund purpose.

Additionally, levied property taxes could significantly impact the total property tax cost of school funding in a school district. The potential total impact of this Bill on property taxes cannot be determined at this time.

Sources

Department of Justice, Attorney General’s Office

Pew Research Center

Iowa Association of Counties

Iowa League of Cities

Iowa State Sheriffs’ and Deputies’ Association

Miranda-Olivares v. Clackamas County, No. 3:12-cv-02317-ST (D. Or. April 11, 2014)

Jiminez Moreno et al. v. Napolitano et al., No. 11C5452 (N.D. IL. Sept 30, 2016)

Legislative Services Agency analysis

Department of Management

/s/ Holly M. Lyons

March 13, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
